REMARKS

35 U.S.C. § 102. Claim Rejections.

3-7. Claims 1, 3, 5-6, and 17 are rejected under 35 U.S.C. §102(e) as being

5   anticipated by Reisman et al. (U.S. Patent No. 6,594,691) (hereinafter Reisman).

In regard to Claim 1, the Office Action states that "Reisman discloses a communications system, comprising:

an advice provider (special purpose server, col 9, lines 43-50; col 26, lines 20-44)

10   which broadcasts (broadcast information distribution system, col 26, lines 20-44) information over a communications medium to a plurality of advice consumers (col 26, lines 20-44), irrespective of actual relevance (recipient communication devices are tuned to identify and receive from the broadcast specific data element anticipates irrespective of actual relevance, col 26, lines 20-31) of said information to said

15   plurality of advice consumers (recipient communication devices, col 26, lines 20-44);

said broadcast information comprising relevance clause comprising criteria defined by said advice provider wherein said information is potentially relevant to recipient (col 6, lines 22-45; col. 7, lines 4-19; col 26, lines 20-45, "the information transporter system of this invention can be beneficially-employed in a broadcast

20   information distribution system wherein data information objects are contained within a broadcast data stream with recipient communications devices **tuned to identify and receive from the broadcast specific data** elements to **which they are entitled**.");

an advice consumer of said plurality of advice consumers for gathering (gathering

25   is interpreted as receiving information, col 26, lines 20-44) said broadcast information from said communications medium (recipient communication devices are tuned to identify and receive from the broadcast specific data element, col 26, lines 20-44); and

a reader associated with said advice consumer (recipient communication devices

30   are tuned to identify and receive from the broadcast specific data element anticipates reader, col 26, lines 20-45) for automatically determining relevance ("**Receipt of broadcast data**: As an alternative to modem-based wireline or wireless calling to a server and requesting data objects, the information transporter system of this invention can be beneficially employed in a broadcast information distribution system

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wherein data information objects are contained within a broadcast data stream with recipient communications devices <u>tuned to identify and receive from the broadcast specific data</u> elements to <u>which they are entitled.</u>", col 26, lines 20-44) of said gathered broadcast information to said advice consumer (recipient

5   communication devices are tuned to identify and receive from the broadcast specific data element, col 26, lines 20-45, Please see Summary of the Invention), wherein said determined relevance is at least partially based on an automatic evaluation of said relevance clause by said reader ("data information objects are contained within a broadcast data stream with recipient communications devices <u>tuned to identify</u>

10   <u>and receive from the broadcast specific data</u> elements to <u>which they are</u> <u>entitled.</u>", col 26, lines 20-45, Please see Summary of the Invention);

wherein said advice consumer is advised of said gathered broadcast information only if said gathered broadcast information (watch for receipt object, col 26, line 20-44) is determined to be relevant by said reader (recipient communication devices are

15   <u>tuned to identify</u> and receive from the broadcast specific data elements to which they are entitled anticipates predetermined relevance criteria, col 26, lines 20-45), "A modified setup function" could alert a user's receiving communications device to watch for receipt of data objects identified as relating to the original or containing information product, and to capture and hold identified objects in temporary

20   storage.")."

Applicant disagrees that Claims 1, 3, 5-6, and 17 are anticipated by Reisman.

<u>Hilton Davis / Festo Statement</u>

25   Applicant has amended Claim 1, for convenience in prosecution, and reserves the right to present the same or similar claims in a related Application. The amendments herein were not made for any reason related to patentability.

Reisman describes methods for transacting electronic commerce, as seen at least in

30   the Abstract, wherein:

"A novel electronic information transport component can be incorporated in a wide range of electronic information products, for example magazine collections, to automate the mass distribution of updates, such as current

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issues, from a remote server to a wide user base having a diversity of computer stations. Advantages of economy, immediacy and ease of use are provided. Extensions of the invention permit automated electronic catalog shopping with order placement and, optionally, order confirmation. A server-

5   based update distribution service is also provided. In addition, an offline web browser system, with hyperlink redirection capabilities, a novel recorded music product with automated update capabilities and an Internet charging mechanism are provided."

10   Applicant submits that, while Reisman describes electronic information transport, the structures and methods described by Riesman are significantly different than Claim 1, as amended.

Details of the broadcast of data as described by Reisman are seen at least in Col.
15   26, lines 20-45, wherein:

"Further Embodiments with Broadcast, Subscription Delivery and On-demand Capabilities

Receipt of broadcast data: As an alternative to modem-based wireline
20   or wireless calling to a server and requesting data objects, the information transporter system of this invention can be beneficially employed in a broadcast information distribution system wherein data information objects are contained within a broadcast data stream with recipient communications devices tuned to identify and receive from the broadcast specific data
25   elements to which they are entitled. On the Internet, such broadcasting to a selected group of recipients is called "multicasting".

Broadcasting can be airwave broadcasting via satellite, FM, or TV subchannels in the manner, for example, used by Mainstream Data Ltd. for the broadcast of news wires. Alternatively, the broadcast data stream may be
30   cable or line transmitted, for example, over cable television systems. Minor extensions to API's 40 and 42 could accommodate such a facility. A modified setup function could alert a user's receiving communications device to watch for receipt of data objects identified as relating to the original or containing information product, and to capture and hold identified objects in temporary

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storage. A schedule transport function can then be set to fetch the received data objects from temporary storage and prepare them for use."

Applicant therefore submits that Reisman describes "recipient communications

5   devices tuned to identify and receive from the broadcast specific data elements to which they are entitled". Applicant also submits that, as described in Reisman, a "modified setup function could alert a user's receiving communications device to watch for receipt of data objects identified as relating to the original or containing information product, and to capture and hold identified objects in temporary storage".

10

Applicant has amended independent Claim 1, to claim a communications system, comprising:

an advice provider which provides advisories for a plurality of advice consumers, irrespective of actual relevance of said advisories to said plurality of

15   advice consumers, each of said advisories comprising a relevance clause comprising criteria defined by said advice provider wherein said respective advisory is potentially relevant to a recipient;

an advice consumer of said plurality of advice consumers for gathering said advisories from said advice provider over a communications medium;

20   means for synchronizing said advisories between said advice provider and said advice consumer, wherein said synchronization is performed through said advice consumer any of continuously, automatically and manually, and wherein said synchronization comprises maintaining a one-to-one correspondence between advisories stored at said advice consumer with advisories located at said advice

25   provider, by gathering new advisories that have been added by said advice provider since the most recent prior synchronization, and by deleting advisories from said advice consumer that have been retracted by said advice provider since said most recent prior synchronization; and

a reader associated with said advice consumer for automatically determining

30   relevance of said stored gathered advisories to said advice consumer, wherein said determined relevance is at least partially based on an automatic evaluation of said relevance clause by said reader;

wherein said advice consumer is advised of said stored gathered advisories which are determined to be relevant by said reader.

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Support is seen in the Application as filed, at least on page 4, lines 7-8; on page 5, lines 1-4 and 9-14; on page 6, lines 6-21; on page 7, lines 5-19; on page 8, lines 4-14; on page 12, line 21 to page 17, line 3; on page 19, lines 6-11; on page 19, line

5   20 to page 20, line 10; on page 22, lines 1-11; on page 23, lines 5-11 and 18-21; on page 25, lines 5-11; on page 26, lines 10-16; on page 27, lines 4-8 and 15-19; on page 30, lines 1-24; on page 31, lines 19-21; on page 35, line 21-26; on page 40, line 19 to page 41, line 20; on page 42, lines 8-11; on page 42, line 23 to page 43, line 4; on page 46, line 1 to page 48, line 9; on page 47, line 18 to page 48, line 9; on

10   page 49, lines 4-6; on page 52, line 25 to page 53, line 19; on page 62, line 21 to page 68, line 10; on page 68, lines 14-18; on page 178, line 21 to page 179, line 3; on page 181, line 6 to page 186, line 26; on page 198, line 12 to page 199, line 22; on page 206, line 1 to page 208, line 25; and in Figures 1- 3 and 6-9.

15   Applicant respectfully submits that, while Reisman describe recipient communications devices tuned to identify and receive from the broadcast specific data elements to which they are entitled", there is no disclosure of a system that comprises, *inter alia*:

"an advice provider which provides advisories for a plurality of advice

20   consumers, irrespective of actual relevance of said advisories to said plurality of advice consumers, each of said advisories comprising a relevance clause comprising criteria defined by said advice provider wherein said respective advisory is potentially relevant to a recipient;

an advice consumer of said plurality of advice consumers for gathering said

25   advisories from said advice provider over a communications medium"; and

"means for synchronizing said advisories between said advice provider and said advice consumer, wherein said synchronization is performed through said advice consumer any of continuously, automatically and manually, and wherein said synchronization comprises maintaining a one-to-one correspondence between

30   advisories stored at said advice consumer with advisories located at said advice provider, by gathering new advisories that have been added by said advice provider since the most recent prior synchronization, and by deleting advisories from said advice consumer that have been retracted by said advice provider since said most recent prior synchronization".

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Applicant therefore respectfully submits that Reisman fails to disclose "a communications system, comprising:

an advice provider which provides advisories for a plurality of advice
5   consumers, irrespective of actual relevance of said advisories to said plurality of advice consumers, each of said advisories comprising a relevance clause comprising criteria defined by said advice provider wherein said respective advisory is potentially relevant to a recipient;

an advice consumer of said plurality of advice consumers for gathering said
10   advisories from said advice provider over a communications medium;

means for synchronizing said advisories between said advice provider and said advice consumer, wherein said synchronization is performed through said advice consumer any of continuously, automatically and manually, and wherein said synchronization comprises maintaining a one-to-one correspondence between
15   advisories stored at said advice consumer with advisories located at said advice provider, by gathering new advisories that have been added by said advice provider since the most recent prior synchronization, and by deleting advisories from said advice consumer that have been retracted by said advice provider since said most recent prior synchronization; and

20   a reader associated with said advice consumer for automatically determining relevance of said stored gathered advisories to said advice consumer, wherein said determined relevance is at least partially based on an automatic evaluation of said relevance clause by said reader;

wherein said advice consumer is advised of said stored gathered advisories
25   which are determined to be relevant by said reader."

Applicant therefore submits that Claim 1, as amended, overcomes the rejection under 35 U.S.C. §102(e) as being anticipated by Reisman et al. (U.S. Patent No. 6,594,691).

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The Examiner bears the burden of establishing a *prima facie* case of anticipation (In re King, 801 F.2d 1324, 1327, 231 USPQ 136, 138-139 (Fed. Cir. 1986)). The prior art reference must disclose each element of the claimed invention, as correctly interpreted, and as arranged in the claim (Lindermann Maschinefabrik Gmbh v.

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American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984)). A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim

5   (MPEP 2131).

As Claims 3, 5-6, and 17 depend from independent Claim 1 as amended, and inherently contain all the limitations of the Claims they depend from, they are seen to be patentable as well.

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35 U.S.C. § 103. Claim Rejections.

9-24. Claims 2, 4, 7-14 and 17-22 are rejected under 35 U.S.C. §103(a) as being unpatentable over Reisman et al. (U.S. Patent No. 6,594,692) (hereinafter Reisman), in view of Cheng et al. (U.S. Patent No. 6,151,643) (hereinafter Cheng).

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In regard to Claim 2, the Office Action concedes that "Reisman does not explicitly disclose means for providing relevant information to said advice consumer without revealing any aspect of said advice consumer's identity to said advice provider."

20   However, the Office Action states that "Cheng discloses means for providing relevant information to said advice consumer without revealing any aspect of said advice consumer's identity to said advice provider (col 21, lines 45-60)."

In regard to Claim 4, the Office Action states that "the claim is rejected for the same

25   reasons as claim 2, above. In addition, Cheng discloses advice consumer maintains anonymity, privacy, and security by not revealing to said advice provider either that said advice consumer is provider, that said advice consumer has received any particular message, or that said information is relevant to said advice consumer (col 21, lines 45-60; col 7, lines 45-67)."

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Applicant disagrees that Claim 1, 7 and 8 are unpatentable over Reisman in view of Cheng.

Hilton Davis / Festo Statement

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Applicant has amended Claims 1, 7 and 8, for convenience in prosecution, and reserves the right to present the same or similar claims in a related Application. The amendments herein were not made for any reason related to patentability.

5   Cheng describe automatic updating of diverse software products on multiple client computer systems by downloading scanning application to client computer and generating software list on client computer, as seen at least in the Abstract, wherein:

> "A system and method update client computers of various end users with
> 10   software updates for software products installed on the client computers, the software products manufactured by diverse, unrelated software vendors. The system includes a service provider computer system, a number of client computers and software vendor computer systems communicating on a common network. The service provider computer system stores in an update
> 15   database information about the software updates of the diverse software vendors, identifying the software products for which software updates are available, their location on the network at the various software vendor computer systems, information for identifying in the client computers the software products stored thereon, and information for determining for such
> 20   products, which have software updates available. Users of the client computers connect to the service provider computer and obtain a current version of portions of the database. The client computer determines that software products stored thereon, and using this information, determines from the database, which products have updates available, based on product
> 25   name and release information for the installed products. The user selects updates for installation. The selected updates are downloaded from the software vendor computer systems and installed on the client computer. Payment for the software update and the service is mediated by the service provider computer. Authentication of the user ensures only registered users
> 30   obtain software updates. Authentication of the software updates ensures that the software updates are virus free and uncorrupted. Changes to the client computer during installation are monitored and archived, allowing the updates to be subsequently removed by the user."

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As discussed above, Applicant has amended Claim 1, to claim a communications system, comprising:

an advice provider which provides advisories for a plurality of advice consumers, irrespective of actual relevance of said advisories to said plurality of

5   advice consumers, each of said advisories comprising a relevance clause comprising criteria defined by said advice provider wherein said respective advisory is potentially relevant to a recipient;

an advice consumer of said plurality of advice consumers for gathering said advisories from said advice provider over a communications medium;

10   means for synchronizing said advisories between said advice provider and said advice consumer, wherein said synchronization is performed through said advice consumer any of continuously, automatically and manually, and wherein said synchronization comprises maintaining a one-to-one correspondence between advisories stored at said advice consumer with advisories located at said advice

15   provider, by gathering new advisories that have been added by said advice provider since the most recent prior synchronization, and by deleting advisories from said advice consumer that have been retracted by said advice provider since said most recent prior synchronization; and

a reader associated with said advice consumer for automatically determining

20   relevance of said stored gathered advisories to said advice consumer, wherein said determined relevance is at least partially based on an automatic evaluation of said relevance clause by said reader;

wherein said advice consumer is advised of said stored gathered advisories which are determined to be relevant by said reader.

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Applicant respectfully submits that there is no suggestion in Reisman, express or implied, that advisories are anonymously synchronized between an advice provider and a advice consumer, wherein the synchronization comprises maintaining a one-to-one correspondence between advisories stored at the advice consumer with

30   advisories located at the advice provider, by gathering new advisories that have been added by the advice provider since the most recent prior synchronization, and by deleting advisories from the advice consumer that have been retracted by the advice provider since the most recent prior synchronization.

10

Cheng describe automatic updating of diverse software products on multiple client computer systems by downloading scanning application to client computer and generating software list on client computer, as seen at least in the Abstract, wherein:

5   "A system and method update client computers of various end users with software updates for software products installed on the client computers, the software products manufactured by diverse, unrelated software vendors. The system includes a service provider computer system, a number of client computers and software vendor computer systems communicating on a

10   common network. The service provider computer system stores in an update database information about the software updates of the diverse software vendors, identifying the software products for which software updates are available, their location on the network at the various software vendor computer systems, information for identifying in the client computers the

15   software products stored thereon, and information for determining for such products, which have software updates available. Users of the client computers connect to the service provider computer and obtain a current version of portions of the database. The client computer determines that software products stored thereon, and using this information, determines from

20   the database, which products have updates available, based on product name and release information for the installed products. The user selects updates for installation. The selected updates are downloaded from the software vendor computer systems and installed on the client computer. Payment for the software update and the service is mediated by the service provider

25   computer. Authentication of the user ensures only registered users obtain software updates. Authentication of the software updates ensures that the software updates are virus free and uncorrupted. Changes to the client computer during installation are monitored and archived, allowing the updates to be subsequently removed by the user."

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Applicant submits that, while Cheng discloses a download of a "portion of a database to the client computer, preferably to update a mirror of portions of database", as seen at least in col. 3, lines 25-39, there is no suggestion, express or implied, that the contents of such a database comprise a relevance clause comprising criteria defined

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by the advice provider wherein an advisory is potentially relevant to a recipient. As well, there is no suggestion, express or implied, that advisories are anonymously synchronized over a communications network between a advice provider and a advice consumer, wherein the synchronization comprises maintaining a one-to-one

5   correspondence between advisories stored at the advice consumer with advisories located at the advice provider, by gathering new advisories that have been added by the advice provider since the most recent prior synchronization, and by deleting advisories from the advice consumer that have been retracted by the advice provider since the most recent prior synchronization.

10

Applicant respectfully submits that neither Reisman nor Cheng disclose "a communications system, comprising:

an advice provider which provides advisories for a plurality of advice consumers, irrespective of actual relevance of said advisories to said plurality of

15   advice consumers, each of said advisories comprising a relevance clause comprising criteria defined by said advice provider wherein said respective advisory is potentially relevant to a recipient;

an advice consumer of said plurality of advice consumers for gathering said advisories from said advice provider over a communications medium;

20   means for synchronizing said advisories between said advice provider and said advice consumer, wherein said synchronization is performed through said advice consumer any of continuously, automatically and manually, and wherein said synchronization comprises maintaining a one-to-one correspondence between advisories stored at said advice consumer with advisories located at said advice

25   provider, by gathering new advisories that have been added by said advice provider since the most recent prior synchronization, and by deleting advisories from said advice consumer that have been retracted by said advice provider since said most recent prior synchronization; and

a reader associated with said advice consumer for automatically determining

30   relevance of said stored gathered advisories to said advice consumer, wherein said determined relevance is at least partially based on an automatic evaluation of said relevance clause by said reader;

wherein said advice consumer is advised of said stored gathered advisories which are determined to be relevant by said reader."

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Application No. 09/782,754　　　　　　　　　Attorney Docket No. UNIV0001C

In particular, there is no disclosure or suggestion, express or implied, in Reisman and/or Cheng of a communications system that comprises, inter alia:

"an advice provider which provides advisories for a plurality of advice
5　consumers, irrespective of actual relevance of said advisories to said plurality of advice consumers, each of said advisories comprising a relevance clause comprising criteria defined by said advice provider wherein said respective advisory is potentially relevant to a recipient;

an advice consumer of said plurality of advice consumers for gathering said
10　advisories from said advice provider over a communications medium"; and

"means for synchronizing said advisories between said advice provider and said advice consumer, wherein said synchronization is performed through said advice consumer any of continuously, automatically and manually, and wherein said synchronization comprises maintaining a one-to-one correspondence between
15　advisories stored at said advice consumer with advisories located at said advice provider, by gathering new advisories that have been added by said advice provider since the most recent prior synchronization, and by deleting advisories from said advice consumer that have been retracted by said advice provider since said most recent prior synchronization".
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Applicant also submits that there is no suggestion, express or implied, that Reisman and/or Cheng be modified to meet Claim 1, as amended.

Therefore, a prima facie obviousness case is incomplete because, neither Reisman
25　nor Cheng teach or suggest all the claim limitations (MPEP 2142, 2143.03). To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the
30　teachings of the references (Ex Parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985), MPEP 706.02(j)).

In addition, Applicant submits that it would take significant modification and undue experimentation to meet Claim 1 as amended, based on Reisman and/or Cheng.

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Furthermore, the electronic commerce method described by Reisman and the system and method of updating diverse software products described by Cheng are individually complete and functional, so there would be no reason to use parts from or add or substitute parts between Reisman and Cheng.

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Applicant therefore submits that independent Claim 1, as amended, overcomes the rejection under 35 U.S.C. §103(a) as being unpatentable over Reisman et al. (U.S. Patent No. 6,594,692), in view of Cheng et al. (U.S. Patent No. 6,151,643).

10   As Claims 2-6 and 17 depend from amended independent Claim 1 as amended, and inherently contain all the limitations of the Claims they depend from, they are seen to be patentable as well.

13.   In regard to Claim 7, the Office Action states that "Reisman discloses a
15   communication method and system, comprising the step of:

preparing a message at an advice provider location (data objects, col 26, lines 20-31);

providing a relevance clause associated with said message at said advice provider, said relevance clause comprising conditions under which said message is
20   potentially relevant to potential advice consumers (col 6, lines 22-45; col 7, lines 4-19; col 26, lines 20-45, "the information transporter system of this invention can be beneficially employed in a broadcast information distribution system wherein data objects are contained within a broadcast data stream with recipient communications devices **tuned to identify and receive from the broadcast specific data** elements
25   to **which they are entitled**.");

broadcasting said message with said relevance clause to potential advice consumer anonymously (col 47, lines 50-54, lines 62-63; col 60, lines 45-48, service for free) using network (broadcast information distribution system, col 26, lines 20-31; col 47, lines 50-67, proxy server);
30   receiving said broadcast message to said potential advice consumers (col 26, lines 20-46);

storing said received broadcast message at an advice consumer location (col 26, lines 20-45); and

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automatically determining at said advice consumer location whether said stored received broadcast message is relevant to said advice consumer (("**Receipt of broadcast data**: As an alternative to modem-based wireline or wireless calling to a server and requesting data objects, the information transporter system of this

5   invention can be beneficially employed in a broadcast information distribution system wherein data information objects are contained within a broadcast data stream with recipient communications devices **tuned to identify and receive from the broadcast specific data** elements to **which they are entitled**.", col 26, lines 20-45);

wherein said determined relevance is at least partially based on an automatic

10   evaluation of said relevance clause at said advice consumer (col 6, lines 22-45; col 7, lines 4-19; col 26, lines 20-45, "the information transporter system of this invention can be beneficially employed in a broadcast information distribution system wherein data objects are contained within a broadcast data stream with recipient communications devices **tuned to identify and receive from the broadcast**

15   **specific data** elements to **which they are entitled**.")."

The Office Action concedes that "Reisman does not explicitly states wherein said message is broadcast to advice consumer to whom **said message** is potentially relevant without requiring that said advice consumer divulge their identity or

20   attributes or message-related relevance information to said advice [consumers]".

However, the Office Action also states that "Cheng discloses message is broadcast to advice consumer to whom it is potentially relevant without (102, fig 1, col 2, lines 61-67) requiring that said advice consumer divulge their identity or attributes or

25   message-related relevance information to said advice provider (col 21, lines 45-60)."

Applicant disagrees that Claim 7 is unpatentable over Reisman in view of Cheng.

Hilton Davis / Festo Statement

30   Applicant has amended Claim 7, for convenience in prosecution, and reserves the right to present the same or similar claims in a related Application. The amendments herein were not made for any reason related to patentability.

15

As discussed above, Cheng describe automatic updating of diverse software products on multiple client computer systems by downloading scanning application to client computer and generating software list on client computer, as seen at least in the Abstract, wherein:

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"A system and method update client computers of various end users with software updates for software products installed on the client computers, the software products manufactured by diverse, unrelated software vendors. The system includes a service provider computer system, a number of client

10 computers and software vendor computer systems communicating on a common network. The service provider computer system stores in an update database information about the software updates of the diverse software vendors, identifying the software products for which software updates are available, their location on the network at the various software vendor

15 computer systems, information for identifying in the client computers the software products stored thereon, and information for determining for such products, which have software updates available. Users of the client computers connect to the service provider computer and obtain a current version of portions of the database. The client computer determines that

20 software products stored thereon, and using this information, determines from the database, which products have updates available, based on product name and release information for the installed products. The user selects updates for installation. The selected updates are downloaded from the software vendor computer systems and installed on the client computer. Payment for

25 the software update and the service is mediated by the service provider computer. Authentication of the user ensures only registered users obtain software updates. Authentication of the software updates ensures that the software updates are virus free and uncorrupted. Changes to the client computer during installation are monitored and archived, allowing the updates

30 to be subsequently removed by the user."

Applicant has amended independent Claim 7, to claim a communications method, comprising the steps of:

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preparing at least one advisory at an advice provider, each of said advisories comprising a relevance clause comprising conditions under which said respective advisory is potentially relevant to potential advice consumers;

synchronizing said advisories between said advice provider and said potential

5   advice consumers anonymously using a network, wherein said synchronization comprises maintaining a one-to-one correspondence between advisories stored at said potential advice consumers with advisories located at said advice provider, by gathering new advisories that have been added by said advice provider since the most recent prior synchronization, and by deleting advisories from said potential

10   advice consumers that have been retracted by said advice provider since said most recent prior synchronization, wherein said synchronization is performed any of continuously, automatically and manually through said potential advice consumers, without requiring that said advice consumers divulge their identity or attributes or message-related relevance information to said advice provider;

15   storing said synchronized advisories at an advice consumer location; and

automatically determining at said advice consumer location whether each of said stored synchronized advisories are relevant to said advice consumer, wherein said determined relevance is at least partially based on an automatic evaluation of said respective relevance clauses at said advice consumer location.

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Support is seen in the Application as filed, at least on page 4, lines 7-8; on page 5, lines 1-4 and 9-14; on page 6, lines 6-21; on page 7, lines 5-19; on page 8, lines 4-14; on page 12, line 21 to page 17, line 3; on page 19, lines 6-11; on page 19, line 20 to page 20, line 10; on page 22, lines 1-11; on page 23, lines 5-11 and 18-21; on

25   page 25, lines 5-11; on page 26, lines 10-16; on page 27, lines 4-8 and 15-19; on page 30, lines 1-24; on page 31, lines 19-21; on page 35, line 21-26; on page 40, line 19 to page 41, line 20; on page 42, lines 8-11; on page 42, line 23 to page 43, line 4; on page 46, line 1 to page 48, line 9; on page 47, line 18 to page 48, line 9; on page 49, lines 4-6; on page 52, line 25 to page 53, line 19; on page 62, line 21 to

30   page 68, line 10; on page 68, lines 14-18; on page 178, line 21 to page 179, line 3; on page 181, line 6 to page 186, line 26; on page 198, line 12 to page 199, line 22; on page 206, line 1 to page 208, line 25; and in Figures 1- 3 and 6-9.

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Applicant respectfully submits that there is no suggestion in Reisman, express or implied, that advisories are anonymously synchronized between an advice provider and a potential advice consumers, wherein the synchronization comprises maintaining a one-to-one correspondence between advisories stored at potential

5   advice consumers with advisories located at the advice provider, by gathering new advisories that have been added by the advice provider since the most recent prior synchronization, and by deleting advisories from the potential advice consumers that have been retracted by the advice provider since the most recent prior synchronization.

10

Applicant also submits that, while Cheng discloses a download of a "portion of a database to the client computer, preferably to update a mirror of portions of database", as seen at least in col. 3, lines 25-39, there is no suggestion, express or implied, that the contents of such a database comprise a relevance clause

15   comprising criteria defined by the advice provider wherein an advisory is potentially relevant to a potential advice consumers. As well, there is no suggestion, express or implied, that advisories are anonymously synchronized over a communications network between a advice provider and potential advice consumers, wherein the synchronization comprises maintaining a one-to-one correspondence between

20   advisories stored at potential advice consumers with advisories located at the advice provider, by gathering new advisories that have been added by the advice provider since the most recent prior synchronization, and by deleting advisories from the potential advice consumers that have been retracted by the advice provider since the most recent prior synchronization.

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Applicant therefore respectfully submits that neither Reisman nor Cheng disclose "a communications method, comprising the steps of:

preparing at least one advisory at an advice provider, each of said advisories comprising a relevance clause comprising conditions under which said respective

30   advisory is potentially relevant to potential advice consumers;

synchronizing said advisories between said advice provider and said potential advice consumers anonymously using a network, wherein said synchronization comprises maintaining a one-to-one correspondence between advisories stored at said potential advice consumers with advisories located at said advice provider, by

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gathering new advisories that have been added by said advice provider since the most recent prior synchronization, and by deleting advisories from said potential advice consumers that have been retracted by said advice provider since said most recent prior synchronization, wherein said synchronization is performed any of

5   continuously, automatically and manually through said potential advice consumers, without requiring that said advice consumers divulge their identity or attributes or message-related relevance information to said advice provider;

storing said synchronized advisories at an advice consumer location; and

automatically determining at said advice consumer location whether each of

10   said stored synchronized advisories are relevant to said advice consumer, wherein said determined relevance is at least partially based on an automatic evaluation of said respective relevance clauses at said advice consumer location."

In particular, neither Reisman nor Cheng disclose a communications method that,

15   *inter alia*, comprises the steps of:

"synchronizing said advisories between said advice provider and said potential advice consumers anonymously using a network, wherein said synchronization comprises maintaining a one-to-one correspondence between advisories stored at said potential advice consumers with advisories located at said

20   advice provider, by gathering new advisories that have been added by said advice provider since the most recent prior synchronization, and by deleting advisories from said potential advice consumers that have been retracted by said advice provider since said most recent prior synchronization, wherein said synchronization is performed any of continuously, automatically and manually through said potential

25   advice consumers, without requiring that said advice consumers divulge their identity or attributes or message-related relevance information to said advice provider;

storing said synchronized advisories at an advice consumer location; and

automatically determining at said advice consumer location whether each of said stored synchronized advisories are relevant to said advice consumer, wherein

30   said determined relevance is at least partially based on an automatic evaluation of said respective relevance clauses at said advice consumer location."

Applicant also submits that there is no suggestion, express or implied, that Reisman and/or Cheng be modified to meet Claim 7, as amended.

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Therefore, a *prima facie* obviousness case is incomplete because, neither Reisman nor Cheng teach or suggest all the claim limitations (MPEP 2142, 2143.03). To support the conclusion that the claimed invention is directed to obvious subject

5   matter, either the references must expressly or impliedly suggest the claimed invention or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references (Ex Parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985), MPEP 706.02(j)).

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In addition, Applicant submits that it would take significant modification and undue experimentation to meet the method of Claim 7 as amended, based on Reisman and/or Cheng. Furthermore, the electronic commerce method described by Reisman and the system and method of updating diverse software products described by Cheng are individually complete and functional, so there would be no

15   described by Cheng are individually complete and functional, so there would be no reason to use parts from or add or substitute parts between Reisman and Cheng.

Applicant therefore submits that independent Claim 7 as amended, overcomes the rejection under 35 U.S.C. §103(a) as being unpatentable over Reisman et al. (U.S.

20   Patent No. 6,594,692), in view of Cheng et al. (U.S. Patent No. 6,151,643). As Claims 18-21 depend from Claim 7 as amended, and inherently contain all the limitations of the Claims they depend from, they are seen to be patentable as well.

14. In regard to Claim 8, the Office Action states that the "claim is rejected for the

25   same reasons as claim 7. above. In addition, Reisman discloses communications protocol for narrowly-focused (fetch-send protocol, 22, fig 1) targeting of said received advisories to said advice consumer automatically matching said received advisories at said advice consumer for whom said received advisories are potentially relevant (tuned as interpreted as relevance, identifying specific is interpreted as

30   automatically matching, col 26, lines 22-44)."

Applicant disagrees that Claim 8 is unpatentable over Reisman in view of Cheng.

Hilton Davis / Festo Statement

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Applicant has amended Claim 8, for convenience in prosecution, and reserves the right to present the same or similar claims in a related Application. The amendments herein were not made for any reason related to patentability.

5   Applicant has amended independent Claim 8, to claim, in a system including computational devices connected by a communications network, a communications apparatus, comprising:

          specific units of advice to be shared;

          digital documents conveying said advice;

10   an advice provider for providing said advice in the form of advisories for a plurality of advice consumers, wherein each said advisory further comprises a relevance clause comprising criteria defined by said advice provider wherein said advisory is potentially relevant to a recipient;

          an advice consumer of said plurality of advice consumers for gathering said

15   advisories from said advice provider over said communications network;

          means for anonymously synchronizing said advisories over said communications network between said advice provider and said advice consumer, wherein said advisories are potentially relevant to said advice consumer, wherein said advice consumer is not required to divulge to said advice provider any of their

20   identity, attributes and message-related relevance information, wherein said synchronization is performed through said advice consumer any of continuously, automatically and manually, and wherein the synchronization comprises maintaining a one-to-one correspondence between advisories stored at the advice consumer with advisories located at the advice provider, by gathering new advisories that have

25   been added by said advice provider since the most recent prior synchronization, and by deleting advisories from said advice consumer that have been retracted by said advice provider since said most recent prior synchronization; and

          a communications protocol for narrowly-focused targeting of said synchronized stored advisories to said advice consumer by automatically matching

30   said synchronized stored advisories at said advice consumer for whom said synchronized stored advisories are potentially relevant, wherein said automatic matching is at least partially based on evaluating said relevance clauses at said advice consumer.

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Support is seen in the Application as filed, at least on page 4, lines 7-8; on page 5, lines 1-4 and 9-14; on page 6, lines 6-21; on page 7, lines 5-19; on page 8, lines 4-14; on page 12, line 21 to page 17, line 3; on page 19, lines 6-11; on page 19, line 20 to page 20, line 10; on page 22, lines 1-11; on page 23, lines 5-11 and 18-21; on

5   page 25, lines 5-11; on page 26, lines 10-16; on page 27, lines 4-8 and 15-19; on page 30, lines 1-24; on page 31, lines 19-21; on page 35, line 21-26; on page 40, line 19 to page 41, line 20; on page 42, lines 8-11; on page 42, line 23 to page 43, line 4; on page 46, line 1 to page 48, line 9; on page 47, line 18 to page 48, line 9; on page 49, lines 4-6; on page 52, line 25 to page 53, line 19; on page 62, line 21 to

10   page 68, line 10; on page 68, lines 14-18; on page 178, line 21 to page 179, line 3; on page 181, line 6 to page 186, line 26; on page 198, line 12 to page 199, line 22; on page 206, line 1 to page 208, line 25; and in Figures 1- 3 and 6-9.

Details of software vendor computers as described by Cheng, in Col. 6, lines 31-50,

15   wherein:

"Each software vendor computer 103 coupled to the service provider computer 102 stores software update information, software products, information files, and the like. The software update information includes

20   applications, binary files, text files, and the like, for updating software products installed on client computers 101, and advertising or other information about such products useful to users for evaluating potential software for updating. Other types of information useful to providing product support, technical service, or the like may also be beneficially provided. In addition, the software

25   vendor computers 103 provide mechanisms for controlling distribution and payment of software updates, such as credit card payment front ends, code authentication and verification subsystems, and the like. These various mechanisms are understood in the art. For example, payment mechanisms may be implemented in compliance with various credit card or debit systems,

30.   as known in the art. Likewise, authentication and verification may be implemented using conventional encryption techniques."

Cheng therefore describes software vendor computers 103 that are "coupled to the service provider computer 102", that store "software update information, software

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products, information files, and the like", wherein "the software vendor computers 103 provide mechanisms for controlling distribution and payment of software updates."

5   Details of an update process 200 in regard to a client computer 102 as described by Cheng are seen at least in col. 7, lines 12-45, wherein:

"In each case, the user logs in 201 to the service provider computer 102 with the client application 104 in a conventional manner, providing a user ID, a

10   password, and the like. This information may be manually entered by the user via the client application 104, or more preferably, stored within the client application 104, and automatically provided once a connection between the client computer 101 and service provider computer 102 is established. If the user is not registered, then the service provider computer 102 in conjunction

15   with inputs by the user, registers 202 the new user of the system. FIG. 3 illustrates a basic user interface 300 for registering the user. The user identifies himself or herself by name 301 and selects a password 303. The user may also provide a mailing address 305 and a payment mechanism such as a credit card data 311, including a credit card number and expiration date,

20   to pay for the services and for any for-fee software updates that the user may access in the course of using the service provided by the service provider computer 102. An email address 307 is entered to allow the service provider to contact the user by email. The user may select check box 309 to indicate that they want to be notified by email when new software updates are

25   available for software products installed on their computer. When the registration process 202 is completed, the service provider computer 102 returns a unique registration number to the user. This number may be stored on the client computer 101 and used during subsequent logins to identify the user to the service provider computer 102.

30   The registered users are authenticated 203 by the service provider computer 102, using conventional authentication mechanisms, such one or more passwords, digital signature, certificates, or the like. Authentication ensures that only users who are properly authorized by the service provider can obtain updates for software products."

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As seen at least in at least in col. 7, lines 12-45 therefore, a user in Cheng logs in 201 "in a conventional manner, providing a user ID, a password, and the like".

5   Cheng also describes an update database located at a service provider computer, as seen at least in Fig. 7 and in col. 10, lines 25-32, wherein:

"Update Database

10   The update database 709 maintains information identifying a large number of software products, information about the software updates that are available from the diverse software product vendors for these software products, information for identifying software products installed on a client computer 101, and for uniquely distinguishing the versions and names of installed software products."

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As well, Cheng describes connections between a client computer and an update database at the service provider, as seen at least in col. 3, lines 25-39, wherein:

"On each user computer, or synonymously client computer, operating in
20   accordance with one embodiment of the invention there is provided a client application that periodically connects over the network to the update database of the service provider computer system. The client application automatically downloads a portion of the database to the client computer, preferably to update a mirror of portions of database. From client database, the client
25   application determines which software updates are applicable or relevant to the user's computer. This is preferably done by first determining the products that are installed in the client computer, and determining for each of these whether there is an update available for a more recent version of the software product than that installed on the client computer. The applicable software
30   updates are identified to the user."

Applicant respectfully submits that, while Cheng discloses a download of a "portion of a database to the client computer, preferably to update a mirror of portions of database", as seen at least in col. 3, lines 25-39, there is no suggestion, express or

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implied, that the contents of such a database comprise comprises a relevance clause comprising criteria defined by said advice provider wherein said advisory is potentially relevant to a recipient. As well, there is no suggestion, express or implied, that advisories are anonymously synchronized over a communications

5   network between a advice provider and a advice consumer, wherein the synchronization comprises maintaining a one-to-one correspondence between advisories stored at the advice consumer with advisories located at the advice provider, by gathering new advisories that have been added by said advice provider since the most recent prior synchronization, and by deleting advisories from said

10 advice consumer that have been retracted by said advice provider since said most recent prior synchronization.

As well, there is no suggestion in Reisman, express or implied, that advisories are anonymously synchronized over a communications network between a advice

15 provider and a advice consumer, wherein the synchronization comprises maintaining a one-to-one correspondence between advisories stored at the advice consumer with advisories located at the advice provider, by gathering new advisories that have been added by said advice provider since the most recent prior synchronization, and by deleting advisories from said advice consumer that have been retracted by said

20 advice provider since said most recent prior synchronization.

Therefore, neither Reisman nor Cheng disclose a communications apparatus that comprises, *inter alia*:

"an advice provider for providing said advice in the form of advisories for a

25 plurality of advice consumers, wherein each said advisory further comprises a relevance clause comprising criteria defined by said advice provider wherein said advisory is potentially relevant to a recipient;

an advice consumer of said plurality of advice consumers for gathering said advisories from said advice provider over said communications network;

30 means for anonymously synchronizing said advisories over said communications network between said advice provider and said advice consumer, wherein said advisories are potentially relevant to said advice consumer, wherein said advice consumer is not required to divulge to said advice provider any of their identity, attributes and message-related relevance information, wherein said

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synchronization is performed through said advice consumer any of continuously, automatically and manually, and wherein the synchronization comprises maintaining a one-to-one correspondence between advisories stored at the advice consumer with advisories located at the advice provider, by gathering new advisories that have

5   been added by said advice provider since the most recent prior synchronization, and by deleting advisories from said advice consumer that have been retracted by said advice provider since said most recent prior synchronization; and

       a communications protocol for narrowly-focused targeting of said synchronized stored advisories to said advice consumer by automatically matching

10   said synchronized stored advisories at said advice consumer for whom said synchronized stored advisories are potentially relevant, wherein said automatic matching is at least partially based on evaluating said relevance clauses at said advice consumer."

15   Applicant therefore respectfully submits that Reisman and/or Cheng fail to disclose, "in a system including computational devices connected by a communications network, a communications apparatus, comprising:

       specific units of advice to be shared;

       digital documents conveying said advice;

20   an advice provider for providing said advice in the form of advisories for a plurality of advice consumers, wherein each said advisory further comprises a relevance clause comprising criteria defined by said advice provider wherein said advisory is potentially relevant to a recipient;

       an advice consumer of said plurality of advice consumers for gathering said

25   advisories from said advice provider over said communications network;

       means for anonymously synchronizing said advisories over said communications network between said advice provider and said advice consumer, wherein said advisories are potentially relevant to said advice consumer, wherein said advice consumer is not required to divulge to said advice provider any of their

30   identity, attributes and message-related relevance information, wherein said synchronization is performed through said advice consumer any of continuously, automatically and manually, and wherein the synchronization comprises maintaining a one-to-one correspondence between advisories stored at the advice consumer with advisories located at the advice provider, by gathering new advisories that have

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been added by said advice provider since the most recent prior synchronization, and by deleting advisories from said advice consumer that have been retracted by said advice provider since said most recent prior synchronization; and

5   a communications protocol for narrowly-focused targeting of said synchronized stored advisories to said advice consumer by automatically matching said synchronized stored advisories at said advice consumer for whom said synchronized stored advisories are potentially relevant, wherein said automatic matching is at least partially based on evaluating said relevance clauses at said advice consumer."

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Applicant also submits that there is no suggestion, express or implied, that Reisman and/or Cheng be modified to meet Claim 8, as amended.

Therefore, a *prima facie* obviousness case is incomplete because, neither Reisman
15 nor Cheng teach or suggest all the claim limitations (MPEP 2142, 2143.03). To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the
20 teachings of the references (Ex Parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985), MPEP 706.02(j)).

In addition, Applicant submits that it would take significant modification and undue experimentation to meet the method of Claim 8 as amended, based on Reisman
25 and/or Cheng. Furthermore, the electronic commerce method described by Reisman and the system and method of updating diverse software products described by Cheng are individually complete and functional, so there would be no reason to use parts from or add or substitute parts between Reisman and Cheng.

30 Applicant therefore submits that independent Claim 8, as amended, overcomes the rejection under 35 U.S.C. §103(a) as being unpatentable over Reisman et al. (U.S. Patent No. 6,594,692), in view of Cheng et al. (U.S. Patent No. 6,151,643).

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As Claims 9-14 and 22 depend from amended independent Claim 8 as amended, and inherently contain all the limitations of the claims it depends from, Claims 9-14 and 22 seen to be patentable as well.

5   **Other Amendments.**

Applicant has amended dependent Claim 17, to correct a grammatical error. Applicant has also amended dependent Claims 2-6, to provide proper antecedent terminology.
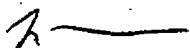
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CONCLUSION

Applicant also respectfully submits that Claims 1-14 and Claims 17-22 overcome the rejections set forth in the Office Action. Applicant also submits that the amendments do not introduce new matter into the Application. Based on the foregoing, Applicant

5   considers the invention to be in condition for allowance. Applicant earnestly solicits the Examiner's withdrawal of the rejections set forth in the prior Office Action, such that a Notice of Allowance is forwarded to Applicant, and the present application is therefore allowed to issue as a United States Patent.

10   Respectfully Submitted,

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